

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA,)	
)	July 16, 2021
)	
-versus-)	Charleston, SC
)	
DAVID CURTIS WHITE,)	2:21-424-1
)	
Defendant.)	

TRANSCRIPT OF DETENTION HEARING

BEFORE THE HONORABLE MOLLY H. CHERRY
UNITED STATES MAGISTRATE JUDGE, presiding

A P P E A R A N C E S:

For the Government: DEAN H. SECOR, AUSA
US Attorney's Office
151 Meeting Street, Suite 200
Charleston, SC 29401

For the Defendant: ALICIA V. PENN, ESQ.
Federal Public Defender
145 King Street, Suite 325
Charleston, SC 29401

Court Reporter: KAREN E. MARTIN, RMR, CRR
PO Box 835
Charleston, SC 29402

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Karen E. Martin, RMR, CRR
US District Court
District of South Carolina

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MATTHEW PINTO

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1 Friday, July 16, 2021

2 (WHEREUPON, court was called to order at 2:13 PM.)

3 THE COURT: I think we are now ready to proceed.

4 Ms. Penn, is the defense ready?

5 MS. PENN: We are, Your Honor.

6 THE COURT: Mr. Secor, is the Government ready?

7 MR. SECOR: Yes, Your Honor, we are.

8 THE COURT: You may call the case.

9 MR. SECOR: Yes, Your Honor. This is case of
10 United States of America vs. David Curtis White, Criminal
11 No. 2:21-CR-424. We're here for purposes of a detention
12 hearing. Mr. White is represented by Ms. Alicia Penn of
13 the Federal Public Defender's Office and the Government is
14 prepared to go forward.

15 THE COURT: Okay. You may call your first
16 witness.

17 MR. SECOR: And Your Honor, if I may, just a few
18 housekeeping matters before I call the witness?

19 THE COURT: Certainly.

20 MR. SECOR: I just wanted to put on the record
21 we believe we have grounds to even ask for detention based
22 under 18 USC Section 3142(f)(1)(A) and (B). And what that
23 is under (f)(1)(A) is that the alleged offenses in the
24 indictment are crimes of violence and that's pursuant to
25 18 USC 3156(e)(4)(C). In addition, under (f)(1)(B), Count

1 2 is an offense for which the maximum sentence is life
2 imprisonment. For those two grounds, we believe we can go
3 forward with a detention hearing.

4 In addition, Your Honor, the Government believes
5 that it enjoys the rebuttable presumption under Title 18
6 USC Section 3142(e)(3). And the basis for that is the
7 Counts 1 through 4 involve a minor victim under Sections
8 2251, 2252(a)(2) and 2422. And Your Honor, the Government
9 is prepared to call its witness.

10 **THE COURT:** Okay. Let's take care of the
11 rebuttable presumption first.

12 Ms. Penn, is there any disagreement in that
13 regard?

14 **MS. PENN:** No, Your Honor.

15 **THE COURT:** Okay. Thank you.

16 You may call your first witness.

17 **MR. SECOR:** Thank you, Your Honor. The
18 Government calls Agent Matthew Pinto.

19 **MATTHEW PINTO,** after being duly sworn, testified
20 as follows:

21 **THE WITNESS:** I do.

22 **MR. SECOR:** And Your Honor, may the Government
23 ask the agent to give summary testimony with leave for the
24 Government to ask follow-up or interjecting questions?

25 **THE COURT:** Yes.

1 Any objection, Ms. Penn?

2 MS. PENN: No objection, Your Honor.

3 THE COURT: Thank you.

4 DIRECT EXAMINATION

5 BY MR. SECOR

6 Q Sir, could you state your full name for the record,
7 please?

8 A Matthew William Pinto.

9 Q And where do you work?

10 A At FBI Charleston.

11 Q And what are your general duties?

12 A I'm an agent with the Violent Crime Task Force.

13 Q And in that capacity, have you had the occasion to be
14 involved in the case of United States of America vs. David
15 Curtis White?

16 A I do.

17 Q And are you the special agent on the case?

18 A I am.

19 Q And are you the lead agent on the case?

20 A I am.

21 Q And are you familiar with the facts?

22 A Yes.

23 Q And are you prepared to go forward?

24 A Yes.

25 Q If you could, sir, please inform the Court of the

1 facts, please.

2 A Yes, sir. Our victim is a prepubescent minor victim,
3 and I'll just refer to her as victim as I go on. On
4 September 15th, 2020, the victim's mother came to the FBI
5 and said that her daughter, our victim, had sent sexually
6 explicit images and videos via Snapchat to a Snapchat
7 moniker mark_fillips.

8 The next day the FBI gave consent to the preview of
9 the victim's phone and discovered a Snapchat account and
10 discovered that sexually explicit photos -- discovered the
11 sexually explicit photos in her deleted items of her
12 phone. That same day, the FBI downloaded via consent her
13 entire Snapchat profile. And they discovered
14 communications with accounts mark_fillips beginning on
15 8/19/2020. Her age was listed between 13 to 17. She's a
16 female. And then they discovered there was conversations,
17 chats, audio, and video with mark_fillips.

18 On 10/6/2020, Snapchat provided records responsive to
19 administrative subpoena for mark_fillips at Snapchat
20 account. They discovered a telephone number and the
21 provider was Verizon. And then the most common IPs
22 belonging to Comcast and Verizon.

23 On that same day, Comcast provided records responsive
24 to an administrative subpoena in regards to those IP
25 addresses. And they came back to a Mr. Jack White with an

1 address of 4725 June Street, North Charleston.

2 THE COURT REPORTER: I'm sorry, 4725?

3 THE WITNESS: 4725 June Street. And that's in
4 North Charleston.

5 On October 12th, 2020, Verizon Wireless provided
6 records responsive to an administrative subpoena in
7 regards to the telephone number previously referenced via
8 the Snapchat subpoena. And that came back to a particular
9 iPhone with a particular serial number. And I'll speak to
10 that shortly.

11 On October 15th, 2020, FBI conducted a forensics
12 interview with our victim, the prepubescent minor. They
13 discovered that -- the victim advised that via Omeg1,
14 which is an online chat forum -- O-M-E-G-L -- she gave her
15 Snapchat ID to several boys. Thereafter, a few boys
16 contacted her via Snapchat to include mark_fillips. And
17 she told the boys she was 11 to 12 years old.

18 She took pictures and videos of her naked body
19 to include her chest and vagina and sent them to some boys
20 via Snapchat per their direction and that was to include
21 mark_fillips. She made new images and videos each time
22 she was asked to send them.

23 On January 26th, 2021, Snapchat provided records
24 responsive to a search warrant in regards to our victim's
25 Snapchat accounts and Snapchat account mark_fillips. In

1 regards to the victim's Snapchat account, FBI discovered
2 communications with mark_fillips, including an image sent
3 by mark_fillips to the victim on 8/19/2020 and that was an
4 image of a list of questions. And those list of questions
5 were used to elicit conversations with various minors and
6 drive them into conversations that become sexual in
7 nature.

8 They start with questions such as what is your
9 favorite color? What is your favorite song? What's your
10 favorite movie? And then it moves on to such things as
11 what's your bra size? What color underwear are you
12 wearing? What is your favorite sexual position?

13 The search warrant results in regards to
14 mark_fillips revealed the following. The user reported to
15 be 14 to 15 years old from California. The same image
16 with the number of a list of questions was discovered.
17 And it was discovered that it was sent to dozens of young
18 girls. It started the conversations and led those
19 conversations to become sexually explicit in nature and
20 images were sent back and forth at that point.

21 The user sent pictures and videos of himself
22 masturbating to multiple young girls. The conversations
23 were entirely focused on either sexual discussions or they
24 discussed trading child pornographic images and videos. A
25 few of the reporters self-reported as minors and being as

1 young as 13.

2 Examples of the conversations involving the
3 exchange of child porn included the following. Snapchat
4 user boi2.0 requested child porn images of sex with
5 young -- of youngs. And then they began to exchange
6 prepubescents of sexually explicit images and videos.

7 Matrix1322, conversations with that Snapchat
8 account, mark_fillips said, Send the youngest you've got.
9 Matrix1322 said, Like ten? Mark_fillips says, Yeah, if
10 you've got it. Matrix1322 then said, You like young
11 girls? And mark_fillips said, Yeah, low key, I like
12 young. Mark_fillips eventually sent a video file
13 depicting a naked prepubescent female engaged in sexual
14 contact with an adult male. That was on October 29th,
15 2020.

16 Q Was that in reference to Count 3?

17 A Yes.

18 Q Okay. Go ahead.

19 A Mark_fillips then told the other user he has an Apple
20 iPhone 11. And he discussed using live video calls and
21 Omegle to contact young girls.

22 On October 31st, 2020, mark_fillips then sent to
23 matrix1322 a -- sent him video files including one
24 depicting a prepubescent female being raped by an apparent
25 adult male. He told the user, I just throw them in the

1 hidden folder of my camera.

2 Q Is that in regards to Count 4?

3 A Yes, it is.

4 Q Okay.

5 A In conversations with Facebook account -- excuse me,
6 Snapchat account alfie_foryou, alfie_foryou sent
7 mark_fillips a link to a folder containing 109 files.
8 These were primarily videos of the rape of prepubescent
9 females. Mark_fillips responded by sending child porn
10 images and videos in response.

11 Conversations with notlok01, mark_fillips sent the
12 video file previously exchanged with matrix1322 that was
13 discussed. And mark_fillips said, Lowest is probably 15.

14 Akading5 said, How old are these girls? Mark_fillips
15 replied, About 15. Akading5 responded, Bro, one's 12, the
16 other two are probably ten.

17 On June 7th, 2021, the FBI executed a search warrant
18 at the previously mentioned address of 4725 June Street,
19 North Charleston. Occupants of that address at that time
20 were Jack and Sharon White and their son, David White.

21 We seized several electronic devices to include an
22 iPhone found on David White. We interviewed all. And
23 during our interview with David White, which started as a
24 voluntary, non-custodial interview and eventually became a
25 Mirandized interview once he discussed the following.

1 David White said that after his 20th birthday, he
2 began to entice girls online through Omegle and Snapchat.
3 He said his Snapchat moniker was mark_fillips and he used
4 this to solicit girls as young as eight to send nude
5 images and videos. He directed their actions to include
6 digital and vaginal penetration. He sent pictures and
7 videos of his penis in exchange.

8 He claimed he did not specifically remember
9 soliciting from the victim. But he acknowledged that he
10 used that same image with questions on it that I discussed
11 earlier.

12 He voluntarily showed the FBI his phone. It was an
13 exact match to the serial number that we received on the
14 -- or that we discovered via the Verizon subpoena on
15 October 12th. It was also the exact telephone number that
16 we received via -- that we discovered via the Snapchat
17 subpoena on October 6th, 2020.

18 On June 23rd, 2021, the FBI completed a forensics
19 download of David White's iPhone, the phone I previously
20 mentioned. We discovered over 350 child porn images and
21 there were 125 child porn videos. All of these were
22 depicting prepubescent females posing in various sexual
23 positions while exposing the breasts, buttocks, and vagina
24 and were engaged in various sexual acts by themselves with
25 other prepubescent children or adults. And we also

1 discovered that image with the number of the list of
2 questions.

3 Q Okay. And then Counts 1 and 2 cover production of
4 child pornography, date range of August 2020 and
5 October 2020. And then Count 2, enticement, and that
6 involves the same dates of August 2020 and October 2020.
7 So did your investigation reveal that he had, first of
8 all, caused minors to produce child pornography as well as
9 enticing them online?

10 A Yes.

11 Q Okay.

12 MR. SECOR: The Government has no further
13 questions.

14 THE COURT: Ms. Penn, any cross?

15 CROSS-EXAMINATION

16 BY MS. PENN

17 Q Agent Pinto, in your review of these electronic
18 devices, is there any text message or communication that
19 indicates Mr. White planned to visit any of these minors
20 or any of these girls?

21 A No, ma'am.

22 Q And is there any indication, any of these images were
23 filmed or photographed by Mr. White?

24 A No, ma'am.

25 Q So all of the pornography is -- or at least the

1 pornography that is being exchanged on Snap -- Snapchat or
2 Omegle are pictures the girls are taking of themselves; is
3 that correct?

4 A Yes, ma'am.

5 Q And were you -- did you personally execute the search
6 warrant on his house?

7 A Yes, ma'am.

8 Q And this is the beginning of June, right? Is that
9 right?

10 A Yes, ma'am.

11 Q And during that execution of the search warrant, was
12 Mr. White and his family, were they cooperative?

13 A Yes, they were.

14 Q Was he evasive or anything less than forthcoming to
15 your questions?

16 A No, ma'am.

17 Q Okay. And you said this -- the conversation you had
18 with him started as a voluntary interview, right?

19 A That's correct.

20 Q And how long did it stay a voluntary interview?

21 A Maybe 15 minutes.

22 Q And what changed it from a voluntary interview to a
23 Mirandized confession?

24 A It changed when he told us that his Snapchat account
25 was that account in question.

1 Q Oh, I see. So he said at some point that his
2 Snapchat account was the mark_fillips Snapchat, is that
3 what it is?

4 A Yes.

5 Q Okay. And did he say that in response to a question
6 from you or from anyone else?

7 A Yes.

8 Q Did someone just ask him, Is this your Snapchat?

9 A Yes.

10 Q Okay. And then you Mirandized him, correct?

11 A That's correct.

12 Q And how long did he speak or answer questions after
13 that?

14 A Maybe for about 20 minutes beyond that.

15 Q And was this conversation recorded?

16 A Yes, it was.

17 Q Okay. Video? Audio?

18 A Audio.

19 MS. PENN: Court's indulgence?

20 THE COURT: Certainly.

21 MS. PENN: No further questions. Thank you.

22 THE COURT: Okay.

23 Any, Mr. Secor?

24 MR. SECOR: No further questions from the
25 Government.

1 **THE COURT:** Okay. The Court has a question just
2 for point of clarification.

3 Agent Pinto, you were asked whether Mr. White
4 requested images from any of the minors. And I just want
5 to understand. The minor victim identified by initials in
6 the indictments, and maybe I misunderstood, I thought you
7 testified that he did solicit images from -- specifically
8 from that individual.

9 **THE WITNESS:** Yes, Your Honor, he did solicit
10 the images from our victim and other individuals,
11 prepubescent females online. The question I think the
12 defense asked was did he take photos on his own.

13 **THE COURT:** On his own, okay.

14 **THE WITNESS:** He did not take photos of the
15 girls. The girls sent him photos. He took pictures of
16 himself and sent them.

17 **THE COURT:** Thank you for that clarification,
18 Agent Pinto.

19 Ms. Penn, any follow up in light of the Court's
20 questions?

21 **MS. PENN:** Just briefly.

22 The victim listed in the complaint, she lives in
23 Minneapolis, Minnesota; is that correct.

24 **THE WITNESS:** That is correct.

25 **MS. PENN:** I have no follow up, Your Honor.

1 **THE COURT:** Okay.

2 Any follow up, Mr. Secor?

3 **MR. SECOR:** None from the Government.

4 **THE COURT:** Okay. The witness may step down.

5 **THE WITNESS:** Thank you, Your Honor.

6 **MR. SECOR:** And the Government has no further
7 witnesses, Your Honor.

8 **THE COURT:** Does or does not?

9 **MR. SECOR:** Does not.

10 **THE COURT:** Okay. Any other evidence,
11 Mr. Secor?

12 **MR. SECOR:** No, Your Honor.

13 **THE COURT:** Okay. Thank you.

14 Ms. Penn?

15 **MS. PENN:** No witnesses from the defense, Your
16 Honor.

17 **THE COURT:** Okay. Is counsel ready for the
18 Court to hear argument?

19 **MR. SECOR:** Yes, Your Honor.

20 **MS. PENN:** Yes, ma'am.

21 **THE COURT:** Okay. Mr. Secor, I'll hear from
22 you.

23 **MR. SECOR:** Yes, Your Honor. The Government, in
24 addition to enjoying the rebuttable presumption, thinks
25 that the factors which the Court must consider call for

1 detention of this defendant, and that's specifically under
2 18 USC Subsection 3142(g)(1), first of all, the nature and
3 circumstances of the offense charged. The offenses for
4 which he's charged are, next to actual hands-on sexual
5 molestation is the worst offense against the child in the
6 sexual realm that can occur; and that is, enticing them to
7 actually produce child pornography images. So we think
8 that the nature and circumstances of the offense charged
9 speaks for itself in that regard.

10 These offenses, I would point out, are crimes of
11 violence under Title 18. And they also involve a minor
12 victim. And there's also testimony that there were many
13 other -- I believe the testimony was dozens of other
14 victims that the defendant solicited online, minor
15 victims.

16 The subsection (g)(2), the weight of the
17 evidence against the person, we believe is strong. The
18 defendant gave a almost full confession. He only hemmed a
19 little bit on the issue of remembering exactly this
20 particular victim. But the evidence shows that her images
21 were contained in what was found by the Government in its
22 examination of search warrant returns and forensics
23 reviews.

24 Also, the history and characteristics of the
25 person under Subsection (3)(a), we acknowledge that there

1 was no criminal history indicated on the pretrial services
2 report. I'll proffer to the Court that I've been informed
3 by the FBI that they've reached out to Hanahan Police
4 Department and have determined that the defendant was
5 charged on July 13 with DUI. It's my understanding it
6 involved a wrecked vehicle as well. It's so recent that
7 it's not in NCIC. And from what I gather they have not
8 even finished preparing the paper reports for their file
9 in that regard. But it's my understanding, and they can
10 dispute it if they like, but that would go to a history
11 relating to drug or alcohol abuse which would also comport
12 with the information in the Pretrial Services Report
13 concerning drug and alcohol usage. And I believe, if I'm
14 not wrong, the report refers to marijuana and cocaine use.

15 Finally, under -- well, in addition under
16 (g)(B), I believe that the DUI charge would indicate --
17 and that's (g)(1)(B) -- excuse me, (g)(3)(B), that the
18 person was on release from another offense whenever he was
19 indicted in this case.

20 Finally, under Subsection (g)(4), we believe
21 that the nature and seriousness of the danger to any
22 person or the community that would be posed by the
23 person's release should be considered. We think it's
24 obvious that he's a danger to minor victims online. And
25 that could be done easily, as we all know, from anywhere,

1 doesn't have to be his house. It could be anywhere that
2 he might be if he has access to computers.

3 And also we would point out that the DUI is an
4 indication that he's a danger to himself. And that
5 translates or refers back to his reported history of using
6 drugs.

7 Thank you, Your Honor.

8 **THE COURT:** Thank you, Mr. Secor.

9 Ms. Penn, I'll hear from you.

10 **MS. PENN:** Thank you, Your Honor. First, to
11 rebut the presumption of detention in this case, I'd like
12 to tell the Court that Mr. White is 21 years old. He
13 lives with his parents. He always has. He has no
14 passport. He has a job. He was working at Papa Johns as
15 a pizza maker and a cashier. And I think that's enough to
16 rebut the presumption in this case just to show that he
17 has ties to the community and he is not a flight risk and
18 that he has a stable place to go.

19 To go towards the question of why he should be
20 released, the allegations in this case are, obviously,
21 extremely serious. And we take them very seriously. And
22 I know the Government does as well. But just the fact the
23 charges are serious is not enough of a reason to
24 immediately detain Mr. White. If that were the case,
25 there could just be a blanket section of the code that

1 says if you are charged with this, then you are detained.
2 And that is not the case.

3 So things that would put this Court -- that
4 might put this Court a little more at ease in releasing
5 Mr. White are that if they were to be released, he would
6 go back and live with his parents. He has been living
7 there for his entire life.

8 In addition to that, he has known about these
9 charges now for about a month. Because when his home was
10 searched and he was questioned, he was not arrested at
11 that time. He was not immediately taken into custody.
12 Instead, he was left at home where he had to think about
13 what was coming.

14 And during that time he had no devices. All of
15 his devices were seized. So if the Government is
16 concerned about I think they said the danger to minor
17 victims online, he no longer has online access. So that
18 is eased somewhat by the Government seizing all of his
19 things.

20 His parents are both here. They are present in
21 the courtroom. His mother has prepared a statement that
22 I'll ask her to read at the appropriate time. They are
23 both lifelong members of the community. They are
24 teachers. His father has just retired after 41-some years
25 of teaching school to children. And his mother is still

1 working as a teacher. So they have both assured me that
2 because his father is retired, that he can be at home with
3 his son, if need be, to monitor him and make sure that he
4 doesn't do anything he's not supposed to do.

5 They have also gone so far -- I explained to
6 them the concept of third-party custody. They are willing
7 to be third-party custodians if that is something the
8 Court thinks is necessary.

9 Mr. White -- so I'll tell the Court, the other
10 people in the courtroom are his brothers, his pastor, the
11 junior pastor of his church, his high school teacher.
12 They do not have anything formal prepared. They're here
13 just to show their support of him.

14 And they have, obviously, heard at this point
15 the terrible allegations. And they are still willing to
16 support him and believe that he can be trusted at least
17 until his case is finished. They understand that these
18 are serious charges. They carry a lot of time. There is
19 a potential for Mr. White to go to prison. But before
20 that happens, they ask that he be able to stay in the
21 community with them.

22 Your Honor, I'm going to ask Mr. White's mother
23 to speak at this time. She's prepared a brief statement.

24 **THE COURT:** Okay.

25 **MS. PENN:** You can come on up and stand right

1 there and tell the judge your name.

2 **THE DEFENDANT'S MOTHER:** Sharon White. As
3 Ms. Penn has already indicated, my husband and I have
4 flexible hours at this point where we would be able to
5 monitor David. He would be watched carefully 24/7.

6 We are in the process of getting him into a
7 residential rehab facility where he would get counseling
8 and get help for the issues that have brought him to this
9 point. There is a waiting list for that facility. How it
10 works is he calls in every day to say I'm still waiting.
11 I want to come. And as soon as there's a spot, they bring
12 him in.

13 Also, you have already heard that we have a
14 group of people -- sorry -- who despite the seriousness of
15 these charges that they have heard today are willing to
16 step in and help David in whatever capacity is necessary,
17 whatever that means, supervision, monitoring, mentoring,
18 guidance, counseling. Any of those things that they can
19 do to help David, they are willing to do. And that's
20 because they believe that David is worth helping. The
21 David that you heard about is not the David that we know.

22 **MS. PENN:** We have nothing further, Your Honor.

23 **THE COURT:** Thank you, Ms. Penn.

24 Mr. Secor, anything further from the Government?

25 **MR. SECOR:** Nothing further, Your Honor.

1 **THE COURT:** All right. The Court will be in
2 recess for about five minutes.

3 (WHEREUPON, a short break was taken.)

4 **THE COURT:** Please be seated. I'm sorry, I said
5 that when I walked in. My apologies.

6 So the Government has moved to detain and
7 there's no dispute that the rebuttable presumption
8 applies. I do find that the defendant has presented
9 evidence sufficient to rebut the presumption. But even
10 after considering the presumption and the other factors in
11 this matter, detention is warranted. I find that the
12 Government has proven by clear and convincing evidence
13 that there are no condition or combination of conditions
14 of release that will reasonably assure the safety of any
15 other person in the community.

16 This decision is made for -- based upon the
17 evidence that we have heard this afternoon. The weight of
18 the evidence against the defendant is strong. He is
19 subject to a lengthy period of incarceration if convicted.
20 And as noted by the Government, the crimes set forth are
21 considered crimes of violence against minors. And of
22 particular note to the Court is the age of the minors that
23 came out in the evidence before the Court this afternoon.

24 I do want to thank the family and friends who
25 are here. I know this is difficult for everyone. And

1 Mr. White is going to need your continued love and support
2 in this matter. I appreciate your being here. That's not
3 lost on the Court. And I do know it's hard for all of
4 you. And I thank you for your time this afternoon and
5 encourage you to continue with your support with
6 Mr. White. He's going to need it. And he's lucky to have
7 that support from you.

8 Anything further from the Government, Mr. Secor?

9 **MR. SECOR:** No, Your Honor.

10 **THE COURT:** And Ms. Penn, anything further?

11 **MS. PENN:** No, Your Honor.

12 **THE COURT:** This matter is adjourned. Thank
13 you.

14 (WHEREUPON, court was adjourned at 2:46 PM.)

15 * * *

16 I certify that the foregoing is a correct transcript from
17 the record of proceedings in the above-entitled matter.

18 s/Karen E. Martin

8/10/2021

19 Karen E. Martin, RMR, CRR

Date